

REMARKS

This amendment is responsive to the Office Action mailed from the U.S. Patent and Trademark Office on 28 June 2005 in the above-referenced matter. With this amendment, Claims 1-6, 80, and 81 remain pending. Claims 80 and 81 have been amended to depend only on Claim 1 consistent with the prior restriction requirement in this matter.

Claim Rejections under 35 U.S.C. §102(e)

Claims 1-4, 6, and 81 have been rejected under 35 U.S.C. §102(e) as allegedly anticipated by U.S. Published Patent Application No. 2004/0141754A1 to Cheng *et al.* (“Cheng”). Applicant traverses this rejection on the grounds that the Examiner has failed to establish a proper *prima facie* case for anticipation. As noted at §2131 of the MPEP, anticipation under 35 U.S.C. §102 requires that **each and every** element of the claim be taught in a single prior art reference. Elements that are not described explicitly must be inherent to the disclosure of the prior art reference. In short, “the identical invention must be shown in as complete detail as is contained in the ...claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989).

Applicant respectfully disagrees with the Examiner’s assertion that Cheng teaches the “at least one optical beam-deflector through which the optical signal from the at least one master unit travels before arriving at the respective client unit.” Independent Claims 1 and 2 both contain the elements of

1. a set of at least one downstream client unit...;
2. a set of at least one upstream master unit...;
3. a free-space air-path...; and
4. a set of at least one optical beam-deflector...

Each of the first two “sets” (the downstream client unit and the upstream master unit) comprise additional elements as spelled out in lines 4-7 and 10-14, respectively of Claim 1. The set of at least one optical beam-deflector is not an element of either the downstream client unit or the upstream master unit. Rather, the at least one beam deflector is positioned between the client and mater units such that the optical signal travels through it as the signal passes form the master

to the client unit. This distinction is also fully supported in the specification of the instant application, for example at page 4, lines 4-18, Applicant has defined an optical beam-deflector as a unit that physically re-directs an optical beam. According to the present invention, “the optical beam travels from the master unit to one optical beam-deflector, optionally to a sequence of other beam deflectors, and eventually to the client unit.” As defined in the instant specification and used in the claims, the optical beam-deflector is not a part of either the client or the master units in an optical circuit.

Cheng discloses the use of a “steering mirror assembly 48” that comprises a “steering mirror 50” at paragraph [0035]. However, these elements are described in paragraph [0034] as components of the “optical communication terminal 40” shown in **FIG. 2**. Also described by Cheng in paragraph [0039] is a “transmit mirror assembly 74 having a transmit mirror 76” that is also a component of the “optical communication terminal 40” shown in **FIG. 2**. Applicant submits that the transmit mirror assembly 74 and the steering mirror assembly 48 identified by the Examiner are more properly descriptive of the “beam director” recited at line 13 of Claim 1 and at line 13 of Claim 2. Neither the mirror assembly 74 nor the steering mirror assembly 48 can properly be construed as corresponding to the “optical beam-deflector” element recited in Claims 1 or 2.

While Applicant asserts that the claims as originally submitted make the distinction discussed above regarding the “optical beam-deflector” inherently clear in light of the wording of the claim and the definition of terms in the specification, the Examiner is invited to call the undersigned if he feels that a claim amendment to make the distinction more explicit will be required for patentability.

As all of the pending claims depend from one or both of Claims 1 and 2, Applicant submits that they are likewise in condition for allowance based on the argument present above. Neither reference cited in the pending action discloses or suggests the invention as claimed in Claims 1 and/or 2 either standing alone, or in combination, and no motivation to modify either reference to produce the instantly claimed invention is present in either of the references of the general knowledge of one of skill in the art. Favorable action is therefore respectfully requested.

In summary, Cheng neither suggests nor discloses any dedicated beam deflectors used to steer the path of the optical beam as it passes from the master unit to the client unit. As such,

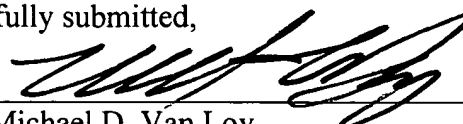
Applicant respectfully submits that Claims 1 and 2 are not anticipated by Cheng and requests that the pending rejection be withdrawn.

The Examiner is invited to call the undersigned at the number provided if any issues arising in connection with the above-referenced application may be dispensed of by telephone conference. In the event any variance exists between the amount enclosed and the Patent Office charges, please charge or credit any difference to the undersigned's Deposit Account No. 50-2559.

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